

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed August 28, 2003. No fee is due for the addition of any new claims.

Claims 1-24 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-24. The present Response amends claims 1 and 3, leaving for the Examiner's present consideration claims 1-24. Reconsideration of the rejections is requested.

RESPONSE TO CLAIM OBJECTIONS

The Examiner objected to claims 1 and 3 because these claims did not end with a period. Applicants thank the Examiner for bringing this typographical error to the Applicant's attention. Applicant has amended claims 1 and 3 to end with a period. Applicant respectfully submits the claims now overcome this objection and request the objection be withdrawn.

RESPONSE TO REJECTION UNDER 35 USC §102

The Examiner rejected claims 1-7, 18, 19 and 22-24 under 35 USC §102(b) as being anticipated by United States Patent No. 6,067,126 (Alexander"). Examiner states that Alexander discloses a method and apparatus for editing a video recording with audio selections, including receiving an audio and video signal, detecting transition points in the audio and video signals, aligning the audio and video signals in time, editing the aligned video signal and merging the aligned video signal with the audio signal (col. 3, lines 1-19). Applicant respectfully traverses the rejection under §102(b).

Alexander discloses an apparatus and method for adding an audio track to a video recording. A video is analyzed in regions for color, lighting, content and motion attributes (col. 5, lines 43-67). An audio stream within the video, if any, is then identified as either speech, music, or other (col. 6, lines 16-65). The level of the audio within the video is configured accordingly. A separate audio track is then

added to the video. The audio is selected based on the detected attributes, such as whether the video content colors are “cool” or “hot” colors (col. 7, lines 35-45). Once selected, the audio track is added to the video, and the video’s previous audio track level is adjusted so as not to be smothered.

Unlike Alexander, the present invention discloses editing the aligned video signal in addition to merging the aligned video signal. Alexander discloses receiving samples of a video in predetermined lengths according to the average audio file length or by individual scenes (col. 5, lines 1-10). Alexander does not disclose making any edits to the video. Alexander only augments video by adding an audio track.

Claim 1 recites “editing the aligned video signal” thereby distinguishing the claimed invention from Alexander. Claims 2-7, 18-19 and 22-24 all directly or indirectly depend from independent claim 1. Therefore, Applicants respectfully submit that claims 1-7, 18-19 and 22-24 are patentable over Alexander and Applicants have overcome the rejection based on Alexander et al.

RESPONSE TO REJECTIONS UNDER 35 USC §103

The Claimed Invention Distinguishes Over the Combination of Alexander, Foote, and Cooper.

The Examiner rejected claims 8-17 and 21 under 35 USC §103(a) as being unpatentable over Alexander in view of either “Automatic Audio Segmentation Using a Measure of Audio Novelty” by Foote (Foote) or “Scene Boundary Detection via Video Self-Similarity Analysis” by Cooper et al. (Cooper). Examiner states that Alexander discloses all that is claimed except for the features explicitly recited in the above referenced claims. Applicant respectfully traverses the rejection under §103.

As discussed above, Alexander does not disclose making any edits to an aligned video. Alexander only discloses augmenting a video by adding an audio track. Additionally, Foote and Cooper relate to analysis of video signals, and do not disclose editing an aligned video. Thus, neither Alexander, Foote or Cooper disclose editing an aligned video as recited in claim 1. Claims 8-17 and 21 all directly or indirectly depend on claim 1. Therefore, Applicants respectfully submit that claims 8-17 and 21 are patentable over Alexander in

view of Foote and Cooper and Applicants have overcome the rejection based on Alexander in view of Foote and Cooper.

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

Conclusion

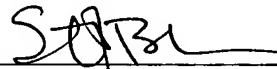
In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: _____


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